

**C-17: RECOMMENDED LOCAL RELOCATION POLICY/GRIEVANCE
PROCEDURE**

RECOMMENDED LOCAL RELOCATION POLICY

Name of Agency to Contact:

Address:

Phone Number: _____

Hours of Availability: _____

Date Passed by City/Parish Council: _____

LOCAL RELOCATION POLICY

WHEREAS, _____, Louisiana hereinafter referred to as the locality, is undertaking a Community Development Program under the provisions of the Housing And Community Development Act of 1974 (Public Law 93-383) and amendments thereto;

WHEREAS, the Housing and Community Development Act of 1974 requires compliance with the relocation requirements of the Uniform Relocation and Real Property Acquisition Policies Act of 1970, hereinafter referred to as the Uniform Act, and implementing regulations issued by the Department of Housing and Urban Development (CFR Title 24, Part 42) when the acquisition of real property occurs; and

WHEREAS, the locality wishes to provide a local policy covering all probable types of relocation which may be necessary in accomplishing CDBG related activities, the following policy is hereby adopted:

I. Permanent Relocation Including Acquisition

All persons, families, or businesses displaced as a result of acquisition, in whole or in part, shall be provided with relocation assistance and compensation as authorized by the Uniform Act. Procedures and forms shall be in accordance with the HUD Relocation Handbook 1378, as revised.

II. Temporary Relocation - Owner Occupied Unit

Program activities shall be planned and carried out in a manner that minimizes hardships to occupants of houses being rehabilitated in accordance with the CDBG program.

When a homeowner requests and receives a grant or loan for the purpose of rehabilitating his home, he becomes eligible for temporary relocation assistance providing the nature of the rehabilitation is such that the occupants could not continue to live in the dwelling during rehabilitation as determined by the contractor and the Housing Rehabilitation Specialist and approved by the Planning and Evaluation Administrator.

Arrangements will be made to provide temporary relocation assistance in accordance with the needs of those being temporarily displaced, including social services, counseling, guidance, assistance, and referrals.

Costs associated with a temporary move may be included in the rehab grant if no personal resources are available to the occupant of the dwelling to be rehabilitated. These costs normally may not exceed _____. Hardship situations will be considered on an individual basis. Costs which may be charged to the rehabilitation contract include:

Actual reasonable moving costs to the temporary relocation.

Actual reasonable cost of renting the temporary unit.
(Normally not to exceed _____ days.)

Actual reasonable cost for storage of furniture that cannot be housed in the temporary unit in the event that the family can find shelter for themselves but not their belongings.

Actual reasonable cost of moving from the temporary location back to the rehabilitated dwelling.

Eligible recipients shall not be relocated until the contractor is prepared to begin rehabilitation work and shall be returned to their homes immediately upon final inspection of their homes. All reasonable costs must be documented by dated invoices from the parties receiving the remuneration. Procedures and forms shall be in accordance with the HUD Relocation Handbook 1378, as revised.

If the unit was identified in the application for funding as a replacement unit, then the substandard unit can be demolished and a new replacement unit constructed provided all of the other provisions of these guidelines and the program are satisfied. If the unit was not identified in the application for funding as a replacement unit, then only if sufficient funding exists after all of the other units identified in the application for funding as eligible have been addressed, then the unit(s) not identified in the application for funding can be addressed based on their ranking by the grantee.

III. Tenant Assistance Policy

No tenant shall be considered displaced if the tenant has been offered a decent, safe, and sanitary dwelling unit in the project to be rehabilitated at an affordable rent.

No person displaced by rental rehabilitation activities will be discriminated against. All displaced persons shall be equally provided information, counseling, referrals, and relocation services.

No person shall be displaced because of age, race, color, religion, sex, handicap, or national origin.

All persons will be provided with information and counseling to familiarize tenants in the projects to be rehabilitated with (1) opportunities to select replacement dwellings from a full range of neighborhoods within the total housing market; (2) individual rights under the Fair Housing Law; and (3) how to search for suitable replacement housing.

IV. Permanent Relocation Without Acquisition

A. Basis:

The Demolition/Relocation Policy is designed to provide an avenue for addressing the housing needs of persons affected by actions of Federally supported Community Development Block Grant program. The basic purpose is to establish a local procedure whereby adequate, affordable, safe and sanitary housing can be provided to those

persons displaced or forced to relocate as a result of housing rehabilitation activities and/or local code enforcement within the target neighborhood.

B. Approach:

This aspect of the policy addresses relocation activities which do not fall within the guidelines of the Uniform Act. This policy will be invoked in those cases where voluntary displacement and/or code related demolition of severely substandard housing units are required. Various alternatives are to be considered in providing relocation assistance to displaced persons, as follows:

1. Homeowners

Provision of a one-time relocation cash payment not to exceed _____, and total moving costs within a 25-mile radius.

The relocation payment will be based upon a per square foot replacement rate of _____, as defined in Section 3. This rate will be reviewed at least annually to ensure current application.

Any homeowner electing to move to rental property shall be entitled to rental relocation only.

The relocation-housing unit shall meet safety, decency, and sanitation codes.

2. Tenants

Provision of a one-time relocation payment not to exceed \$4,000, and total moving expenses within a 25-mile radius.

The total relocation payment will be based upon local rental rates for the specific bedroom category as defined by Section 8 Guidelines.

The relocation housing must meet safety, decency, and sanitation codes.

3. Payment

The relocation payment must be approved by the appropriate official.

4. Affordability

Under the local policy, rental cost shall be considered to be affordable, if the rent plus the high cost of utilities when not included in the rental rate, does not exceed the greater of the rent plus utilities paid by the tenant prior to the displacement activity or does not exceed 30 percent of the gross monthly income of all adult members of the tenant's household, including supplemental income from other public agencies whichever is higher. Purchase cost shall be considered affordable if the monthly housing cost, including the cost of all mortgage payments, real property taxes, and reasonable utility charges, does not exceed

the greater of the monthly housing cost paid by the displacee prior to the displacement activity or does not exceed 30 percent of the gross monthly income of all adult members of the displacee's household, including supplemental income from other public agencies whichever is higher.

C. Basis for Relocation Payment

1. Homeowner Occupants

The payment for relocation is to be based on per square foot replacement rate of _____, to a maximum of _____, with minimum square foot allowances defined as follows:

ROOM SIZES

<u>Location (1)</u>	<u>O-BR</u>	<u>1&2-BR</u>	<u>3-BR</u>	<u>Least Dimen. (2)</u>
LR	N/A	140	150	10'-10"
DR	N/A	80	100	7'-8"
K	N/A	50	60	5'-4"
K'ette	20	25	40	3'-6"
BR(Dbl)	N/A	110	110	8'-8"
BR(Sgl)	N/A	70	70	7'-10"
LR/DA	N/A	180	200	(3)
LR/DA/K	N/A	220	250	(3)
LR/DA/SL	220	N/A	N/A	(3)
LR/SL	190	N/A	N/A	(3)
K/DA	80	80	160	(3)
K'ette/DA	60	60	90	(3)

NOTES:

(1) Abbreviations:

LU – Living Unit
 LR – Living Room
 DR – Dining Room
 DA – Dining Area
 K – Kitchen

K'ette – Kitchenette
 BR - Bedroom
 SL – Sleeping Area
 N/A – Not Applicable
 O-BR – No Separate BR

Variations to these areas and dimensions may be permitted when existing partitions preclude precise compliance, and the available area of dimensions do not hinder furniture placement and the normal use of space.

(2) The lease dimension of each room function applies, except for the overlap or double use of space in combination rooms. It is anticipated that the square footages shown will be exceeded in virtually all cases.

2. Tenants

a. The payment for relocation is to be based upon comparable rental rates for local area as defined by current Section 8 Guidelines published in the Federal Register. The payment will be based upon a one-year period, but in no instance will the total relocation payment (excluding moving expenses) exceed _____. Any variation from this will be fully documented in the subject case file.

b. Reasonable expenses within a _____ radius of the neighborhood include such items as: (1) rental of vehicle trailer for moving purposes; (2) reimbursement of utility deposits; and (3) temporary relocation costs, as necessary.

c. In the event a displacee is relocated to subsidized rental unit (such as Section 8, 202, public housing, etc.), the relocation payment will be based upon the unsubsidized portion of the monthly rental payment only.

V. Characteristics of the Area

The specific target area, locally known as _____, is one of the most depressed areas within the locality. The area has a total population of 3,225 persons, of which 56 percent is minority and 86 percent is in the low/moderate income category. Of the total resident population, 17 percent is over the age of 62. Of the total housing stock, approximately 55 percent is substandard, and of these units, a significant number should be vacated and demolished.

VI. Example Relocation Plan

It is anticipated that few cases will require utilization to the Uniform Act provisions. There is no plan to acquire subject properties unless absolutely necessary. There are 2-3 occupied units which should be razed and the occupants relocated (in addition to those vacant units scheduled for demolition). These units are severely deteriorated beyond any possibility for rehabilitation. Even emergency repair is inadequate to address any significant portion of the problem. These units should be vacated through local code enforcement or voluntary action, and families should be relocated. Of the total number, three are owner occupied and the balance is composed of rental units.

Relocation will be under taken in accordance with procedures established herein. In order to assure maximum choice, referrals and relocation assistance will be provided to all displaces. This will include at a minimum:

- contacting local housing lenders as necessary.
- referrals to local realty agencies (multiple listing services).
- transportation assistance as necessary.
- provide contact lists of local rental complexes (both subsidized and unsubsidized).
- assist with processing for Section 8, 202, PHA, etc., as applicable.

Whenever possible, tenant displaces will be afforded the opportunity to relocate to a subsidized unit under the Section 8 Existing or similar program.

VII. Applicable Regulations

The Demolition/Relocation Policy will be implemented in accordance with the following:

- Section 1 of the Civil Rights Act of 1866 (42 U.S.C. 1982 et. seq.)
- Title VI of the Civil Rights Act of 1966 (42 U.S.C. 2000 d et. seq.)
- Title VIII of the Civil Rights Act of 1968 (42 U.S.C. 3601 et. seq.)
- The National Environmental Policy Act of 1969 (42 U.S.C. 4321-4347)
- Executive Order 11063, Equal Opportunity in Housing
- Executive Order 11246, Equal Employment Opportunity
- Executive Order 11625, Minority Business Enterprise

VIII. Grievance Procedures

See Attached Procedure.

GRIEVANCE PROCEDURE

Grounds

You have the right to appeal any action of the City/Parish on the following grounds:

- failure to properly determine your eligibility for, or the amount of, a relocation or other payment due you under the Uniform Act;
- refusal to waive the time limit for filing a claim or the one-year purchase and occupancy requirement;
- failure to properly inspect the replacement dwelling;
- failure to comply with a requirement of 24 CFR 42.209 (Availability of Comparable Replacement Dwellings Prior to Displacement); and
- failure to comply with a requirement of 24 CFR 42.207 (Notice of Right to Continue in Occupancy).

Your acceptance of the amount offered you by the City/Parish does not limit your right to appeal the City/Parish's determination and seek a larger payment.

Methods and Time Limits for Initiating an Appeal

If your appeal concerns your eligibility for, or the amount of, a payment, you must file your appeal with 6 months after the City/Parish notifies you of its determination on your claims.

If your appeal concerns an alleged failure to provide appropriate housing referrals or to properly inspect the replacement dwelling or to comply with 24 CFR 42.209 (Availability of Comparable Replacement Dwellings Prior to Displacement), you must file your appeal with 6 months after you have been displaced from your home or apartment.

If your appeal concerns an alleged failure to comply with 24 CFR 42.207 (Notice of Right to Continue in Occupancy), you must file your appeal no later than 6 months after (a) your permanent move from your home or apartment; or (b) the end of the four-year occupancy period, whichever comes first.

If your appeal concerns the City/Parish's refusal to waive the one-year purchase and occupancy requirement, your appeal must be filed within 30 days after the refusal.

You may make a request to the City/Parish, either orally or in writing, to make an oral appeal. The City/Parish will provide you with the opportunity for an oral presentation within 15 days of your request. If the City/Parish does not grant your grievance, you will be so notified and informed you have the right to make a written appeal. However, the request for an oral presentation does not entitle you to any postponement of displacement.

You may also file a written request for review. In your written request for review, you may include any statement of fact or other material which you feel has a bearing on your appeal. If more time is needed to gather and prepare additional material for review, you may be granted additional time so you have at least 30 days from the date of receiving notification of the decision concerning your appeal. If you need assistance in preparing your material, the City/Parish will help you and will also tell you about other available sources of assistance. After you have submitted the new information in support of your request for review, the City/Parish will reach a decision within 30 days. It will send you a copy of the decision, a statement of the facts and legal basis upon which it is based, a description of how any new payments or relief will be provided to you, and, if your appeal was not totally granted, a statement of your right to appeal the City/Parish's decision to the Louisiana Division of Administration where you can file such an appeal.

Appeal to the State of Louisiana

If the City/Parish disapproves your appeal, you are entitled to a review by the Louisiana Division of Administration. You may obtain a State review by sending a written request to the Division of Administration, Office of Community Development, within 30 days after you receive the review findings from the Division. You will receive a letter containing the State's decision, together with a written statement of the facts upon which the decision is based.

In any review of your appeal by the City/Parish or the State, you have the right to be represented by a lawyer of other counsel, and you may appeal any final decision by the State to the Courts.

If you have any questions concerning these procedures, do not hesitate to contact:

Ms. Ellen Smith, Relocation Officer
City Hall, West Linn, Louisiana 70801
or telephone: 555-1212

Occupant's Signature

City/Parish Representative

Date

Occupant's Address